



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	133	Service Delivery General Provisions	5-20-2010
Subchapter:	1	General Provisions	
Section	3	Definitions (N.J.A.C. 10:133-1.3)	

§10:133-1.3 Definitions

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Abuse or neglect report" means an account or statement describing a specific incident or set of circumstances of suspected abuse or neglect.

"Abused or neglected child" means a child:

1. Less than 18 years of age:

i. Whose parent or guardian inflicts, or allows to be inflicted upon such child, physical injury by other than accidental means, which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;

ii. Whose parent or guardian creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;

iii. Whose parent or guardian commits or allows to be committed an act of sexual abuse against the child;

iv. Whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his or her parent or guardian to exercise a minimum degree of care:

(1) In supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so, or though offered financial or other reasonable means to do so; or

(2) In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court;

v. Who has been willfully abandoned by his or her parent or guardian;

vi. Upon whom excessive physical restraint has been used under circumstances which do not indicate that the child's behavior is harmful to himself or herself, others or property; or

vii. Who is in an institution other than a day school, and:

(1) Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being; or

(2) Has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation;

2. No child who in good faith is under treatment by spiritual means alone, through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof, shall for this reason alone be considered to be abused or neglected.

"Adoption" means the legal transfer of all parental rights and responsibilities from the parent to a person willing to assume those rights and responsibilities.

"Adoption subsidy" means financial payments made for the care, maintenance and medical and surgical expenses of a special needs child, as defined in N.J.A.C. 10:121-1.1, to the person with whom the child has been placed for adoption or by whom the child has been adopted or to a medical provider when such medical and surgical payments are applied for prior to adoption.

"Applicant" means a person, either adult or minor, who requests services from the Division, for himself or herself or his or her family; or a person referred by another person or agency for child welfare services. For the purposes of N.J.A.C. 10:133 through 10:133K, the term "applicant" does not include those persons applying to become resource parents or other providers of service.

"Assessment" means the gathering of information, evaluation of the information gathered to determine the client's service needs, and the determination of who shall provide the needed services.

"Camp" means a set of recreational and developmental activities on either a day or residential basis for limited duration during the summer months, as licensed by the Department of Health and Senior Services.

"Case management" means the method by which the Division addresses the client's needs and develops and administers a case plan through the direct activities of the Division's representatives who provide or coordinate the delivery of appropriate services.

"Case plan" means a written statement of the Division's intervention on behalf of a child, which includes identification of the problems which necessitate Division involvement with the family, the services or actions needed, who will

accomplish or provide them, and the planned time frame for providing each service.

"Child" means any person less than 18 years of age, except as otherwise provided by N.J.S.A. 9:17B-2f.

"Child advocate" means a person specializing in the field of child advocacy who demonstrates his or her education and/or experience in that field to the satisfaction of the Division, but is limited to such persons who have had direct involvement in permanency planning for the child. Child advocates include, but are not limited to, Court Appointed Special Advocates (CASA) and Law Guardians.

"Child care" means a series of comprehensive and coordinated activities provided to each individual child for a portion of the day, which provides direct personal care, attention, and supervision, which may include education, socialization, nutritional, referral and transportation activities, and which is provided in a licensed child care center or school-age child care program, in a registered family day care home, or in the child's own home by an individual approved by the Division.

"Child welfare information" means every record, computer file, verbal or written report and evaluation relating to any service provided by the Division except records defined as protective service information.

"Child welfare services" or "welfare services" or "services" means consultation, counseling, and referral to or utilization of available resources, for the purpose of determining and correcting or adjusting matters and circumstances which are endangering the welfare of a child, and for the purpose of promoting his or her proper development and adjustment in the family and the community; also, as defined under Title IV-B of the Social Security Act, 42 U.S.C. §§ 620 et seq., as from time to time amended.

"Client" means any person, adult or child, including an applicant, receiving a service from the Division, or any person referred to the Division for services.

"Client's consent" means written authorization by an adult client or, if the client is a minor, by the parent, permitting the Division to release confidential information about himself or herself or about his or her child to a third party as permitted by statute.

"Clothing allowance" means the provision of a specific amount of money provided at specified times for the purpose of replenishing the basic wardrobe of a child while he or she is in out-of-home placement.

"Collateral contact" means a contact made with a person other than the reporter or those who are subject(s) of the abuse or neglect report or referral in order to collect additional information.

“Commissioner” means the Commissioner of the department of Children and Families.

“Contract means a method of social service delivery in which the Division signs a formal agreement with a service provider to provide units of service at a specified cost to Division clients who meet specific eligibility criteria, pursuant to a case plan.

“Custody” means continuing responsibility for the person of a child, as established by a surrender and release of custody or consent to adoption, for the purpose of providing necessary welfare services, or maintenance, or both. (N.J.S.A. 30:4C-2(d))

“Day school” means a public or private school which provides general or special educational services to day students in grades kindergarten through 12. Day school does not include a residential facility, whether public or private, which provides care on a 24-hour basis.

“Department” means the Department of Children and Families.

“Direct services” or “direct service delivery” means a method of service delivery in which Division representatives or staff, either directly or through a resource parent, provide a service to the client.

“Director” means the Director of the Division of Youth and Family Services in the Department of Children and Families.

“Discharge planning and aftercare services” means the assessment and identification of a client’s need for services when the client is discharged from a treatment-based out-of-home placement program, medical treatment facility, correctional facility or day treatment program and recommending or arranging for the services for the client.

“Division” or “DYFS” means the Division of Youth and Family Services in the Department of Children and Families.

“Division representative” means a professional or para-professional employee of the Division of Youth and Family Services.

“Domestic violence services” means emergency shelter care and related core services provided to adult victims of domestic violence and their dependent children, which include:

1. Twenty-four hour hotline and emergency response capability;
2. Twenty-four shelter entry;

3. Legal, financial and housing advocacy services;
4. Counseling for victims, children and perpetrators of domestic violence;
5. Community networking;
6. Community education and awareness; and
7. Children's services.

"DYFS Legal Guardianship Subsidy Program" means a service provided by the Division in accordance with N.J.A.C. 10:132A to provide financial support and permanency to certain children for whom a relative or family friend has obtained kinship legal guardianship pursuant to N.J.S.A. 3B:12A-1 et seq.

"Educational support" means serving as an educational advocate for a child, collecting and providing educational information to relevant parties including, but not limited to, parents, resource parents, schools and other resources, if appropriate, and referring the child to appropriate resources, such as a child study team to:

1. Develop an appropriate educational program for the child;
2. Facilitate the child's access to educational opportunities, including prompt enrollment in school following a change in placement or educational venue; and
3. Maximize the child's potential.

"Emergency maintenance service" means the provision of food, clothing, shelter, furniture, appliances and similar necessities, needed by a client in a crisis, and not available elsewhere.